

## Message Text

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PAGE 01 ISLAMA 07852 101752Z  
ACTION NEA-10

INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 PM-05 H-02  
INR-10 L-03 NSAE-00 NSC-05 PA-02 SP-02 SS-15  
ICA-20 HA-05 TRSE-00 IO-14 /106 W  
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R 101140Z AUG 78  
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TO SECSTATE WASHDC 8599  
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AMEMBASSY KABUL  
AMEMBASSY LONDON  
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AMEMBASSY PARIS  
AMEMBASSY TEHRAN  
AMCONSUL KARACMI  
AMCONSUL LAHORE  
CINCPAC HONOLULU

UNCLAS ISLAMABAD 7852

CINCPAC FOR POLAD

E.O. 11652: N/A  
TAGS: PINT, SHUM, PK  
SUBJ: BHUTTO APPEAL CONTINUES

REF: (A) ISLAMABAD 7632 (B) ISLAMABAD 7543

1. SUMMARY: THE PAKISTAN SUPREME COURT'S HEARING IN THE APPEAL OF FORMER PM BHUTTO AND FOUR OTHERS ON THEIR MURDER/CONSPIRACY CONVICTIONS ENDED ITS TENTH WEEK AUG. 9. WHILE HIS ATTORNEIES CONTINUED THE LEGAL SPARRING, BHUTTO HIMSELF HAS AGAIN REFUSED TO BE MEDICALLY EXAMINED IN JAIL. END SUMMARY.

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2. ARGUMENTS CONTINUED IN THE APPEAL OF FORMER PRIMIN BHUTTO ANB FOUR OTHERS IN RAWALPINDI THIS WEEK. YAMYA BAKHTIAR, WHO HAS ARGUED BHUTTO'S CASE UP UNTIL NOW, TOOK THE WEEK OFF AND LEFT THE LEGAL SPARRING TO ANOTHER MEMBER OF BHUTTO'S LEGAL TEAM, GHULAM ALI MEMON. MEMON FOCUSED ON THREE MAJOR POINTS:

-- HE CONTENDED THAT SINCE THE MURDER OF NAWAB AHMED KHAN WAS AN UNFORESEEN RESULT OF A CONSPIRACY TO MURDER AHMED RAZA KASURI, EVEN IF A CONSPIRACY TO MURDER KASURI EXISTED (WHICH MEMON OF COURSE DENIED), THE APPELLANTS COULD NOT BE HELD "LIABLE WHEN ONE ACT WAS ABETTED AND ANOTHER ACT WAS DONE."

-- MEMON ALSO CLAIMED THAT "MORE THAN A DOZEN VITAL WITNESSES" TO THE CRIME, WHO WERE CITED IN THE PROSECUTION'S CALENDAR IN THE ORIGINAL LAHORE HIGH COURT HEARING, WERE NEVER ACTUALLY HEARD BY THE LAHORE COURT.

-- BHUTTO'S ATTORNEY ARGUED THAT CERTAIN EVIDENCE HAD NOT BEEN PUT TO THE ACCUSED, AND THAT STATEMENTS MADE BY WITNESSES WHO EXAMINED DURING BHUTTO'S ABSENCE FROM THE COURT ROOM SHOULD BE IGNORED.

3. BHUTTO'S CONTINUED REFUSAL TO BE MEDICALLY EXAMINED IN JAIL CAUSED CONTROVERSY AGAIN THIS WEEK. THE SUPREME COURT HAD RULED (REF A) THAT BHUTTO COULD BE EXAMINED BY HIU PERSONAL PHYSICIAN AND TWO OTHERS AFTER BAKHTIAR CLAIMED THAT THE FORMER PM'S HEALTH WAS DETERIORATING. THE PHYSICIANS DETERMINED THAT THE FORMER PM SUFFERED NO "ORGANIZ DISEASE," BUT DID ORDER MORE TESTS. PREPARATIONS WERE MADE, INCLUDING THE DELIVERY OF AN X-RAY MACHINE TO THE PRISON, BUT BHUTTO REFUSED TO BE UNCLASSIFIED

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EXAMINED IN JAIL. THE SUPREME COURT, WHEN ASKED BY THE PROSECUTION TO SETTLE THE ISSUE, SAID THAT IT WAS A MATTER FOR THE DOCTORS TO DECIDE. THE ISSUE HAS YET TO BE FULLY RESOLVED, BUT IF BHUTTO'S DOCTORS DETERMINE THAT HE SHOULD BE REMOVED FROM PRISON TO BE EXAMINED, THEY MAY BE ALLOWED TO DO SO BY THE COURT.

4. IN THE OTHER CONTROVERSY, YAHYA BAKHTIAR CLAIMED THAT ON AUG. 5 THE POLICE "RAIDED" THE HOTEL IN WHICH HE AND SEVERAL OTHER MEMBERS OF THE DEFENSE TEAM ARE STAYING AND SEARCHED THEIR OFFICES. THE POLICE ARRESTED ONE ATATUR REHMAN IN THE RAID, IDENTIFIED AS BENAZIR BHUTTO'S SECRETARY, FOR ALLEGEDLY DISTRIBUTING "OBJECTIONABLE PAMPHLETS." THE COURT CAUTIONED THE POLICE THAT WHILE THEY MAY CARRY OUT THEIR DUTIES, BHUTTO'S LEGAL STAFF WAS ENTITLED TO "DUE RESPECT."

5. THE HEARING RESUMES AUG. 12.  
HUMMEL

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NNN

## Message Attributes

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